

Faulk, Camilla

From: Cavagnaro, Joan [jcavagnaro@co.snohomish.wa.us]
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To: Faulk, Camilla
Subject: proposed change to CrR 4.11

As a prosecutor, I prefer to have interviews of victims taped. It is a better record of what transpired than relying on my notes or the defense attorney's notes. Since my goal is to elicit the truth, the most accurate record of what transpired is desirable. Most victims agree to taping, because they know that, too. But sometimes they say no. Maybe the thought of the defendant being allowed to listen to them explain to the defense attorney how scared they were or how stupid they were to be put in a vulnerable position by the defendant feels like being violated all over again. Maybe it is just the last straw, with the defendant having every right and then thrusting the victim into this process in which the victim has none. The defendant doesn't have to comply with a prosecutor's request for an interview, let alone be taped doing it. If accuracy and truth were the ultimate and only goal, we would require the defendant to give his/her side of the story and tape it. But we bow to the defendant's right to say no. It is wrong to take away a victim's right to choose whether the interview is taped or not. The victim did not choose to be robbed, raped, beaten, or financially ruined by a con artist. But once a terrible crime such as that is done to them, the criminal justice system affords them little control over their involvement in the process. They can't say no to the defense interview, even though the person responsible for the crime can say no to an interview. If the victim says no to an interview, then they have to sit across from the defendant as well as defense attorney for a deposition. And now you want to take away their right to control whether the interview is taped or not. It is a small nod of respect to victims to allow them the right to refuse being taped. When a victim refuses, we can all just slow down and make sure we take accurate notes.

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